REMARKS

Claims 11-15 and 24-27 are pending in this application. Claims 11 and 24 have been amended. The amendments are supported, at a minimum, by the application at page 18, lines 14 to 18.

The Examiner's continued indication that independent claim 15 is allowable is acknowledged and appreciated.

Claims 11 and 24 are rejected under 35 U.S.C. § 103(a) as unpatentable over Applicant's admitted prior art (hereinafter APA) in view of Nagasaki et al., U.S. Patent 5,083,150 (hereinafter Nagasaki). Claims 12 and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over APA in view of Nagasaki, in further view of Kazama et al., U.S. Patent 5,883,668 (hereinafter Kazama). Claims 13 and 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over APA in view of Nagasaki, in further view of Kazama, and in additional view of Kusaka et al., U.S. Patent 5,589,909 (hereinafter Kusaka). Applicants respectfully traverse all of the pending rejections for the following reasons.

Independent claims 11 and 24 each recite, in pertinent part, "controlling the electric charge accumulation time of said plurality of light-receiving elements such that **the scanning mechanism moves the detection light beam for each sampling period and** a plurality of types of outputs with different electric charge accumulation times are produced by each of said light-receiving elements **in one light-receiving area for each sampling period.**"

To establish *prima facie* obviousness under 35 U.S.C. § 103(a) requires that all the claim limitations must be taught or suggested by the prior art. *In re Rokya*, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974). The Examiner admits that APA does not disclose the aforementioned limitation, and therefore relies on Nagasaki as allegedly obviating this deficiency of APA.

Specifically, the pending Office Action asserts, at pages 3 and 4 that Nagasaki discloses a microprocessor which discriminates and selects at FIGs. 19 and 20, column 16 at lines 34-39, and column 16 at line 40 to column 17 at line 22.

However, Nagasaki, at column 16, lines 34-39, merely states that, "At the time, if the time interval tv is shorter than the unit accumulation time t_s described in the first embodiment, the object is sufficiently bright. When the object is exposed for the unit accumulation time t_s, the nondestructive element 71 is saturated. This mode is called a saturation mode hereinafter."

Nagasaki does not teach or suggest the above recited claim 11 and claim 24 limitation. Nagasaki discloses only a single output for each element. Specifically, Nagasaki, at FIG. 20 discloses "NONDESTRUCTIVE ELEMENT OUTPUT PEAK PE." Nagasaki produces a single output, PE, which may have different electric charge accumulation times of 3ts or 6ts as shown in FIG. 20 for each of the first two peaks respectively. Note that these different accumulation times correspond to a single output signal, PE. Additionally, note that Nagasaki is directed to an autofocus function of a camera, and is not directed to scanning using a slit light beam.

In contrast to Nagasaki, claims 11 and 24 recite, "controlling the electric charge accumulation time of said plurality of light-receiving elements such that the scanning mechanism moves the detection light beam for each sampling period and **a plurality of types of outputs with different electric charge accumulation times are produced by each of said light-receiving elements in one light-receiving area for each sampling period**." FIGs. 34C and 34D of the Applicant's specification illustrate two separate outputs for a single pixel g2. FIG. 34C illustrates a non-saturated output of 110 for an accumulation time of T/4, and FIG. 34D illustrates a saturated output of 255 for an accumulation time of T.

To emphasize the importance of this distinction, claims 11 and 24 further select "non-saturated signals among said plurality of types of output signals for each one of the plurality of two-dimensionally arranged light-receiving elements." Nagasaki does not teach or suggest this selection, because Nagasaki only discloses a single output signal "PE" in FIG. 20. In fact, Nagasaki prevents saturated output signals, and thus actually teaches away from producing any saturated output signals.

The other cited prior art, Kazami et al., U.S. Patent 5,883,668, and Kusakawa, U.S. Patent 5,589,909, do not obviate this deficiency of APA and Nagasaki. For example, Kazami, at column 9, line 37, merely states "the mix of pixels is together read to pick up signals," and does not teach or suggest the recited element of claims 11 and 24. Additionally, Kusaka, at column 10, lines 61-62, merely states "consider conditions related to the intensity of light from the target object to be photographed," and does not teach or suggest the recited element of claims 11 and 24.

For the above reasons, Applicant submits that independent claims 11 and 24 are allowable.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 11 and 24 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon (12-14 and 25-27 respectively) are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 103(a) be withdrawn.

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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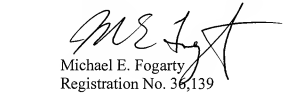

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